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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,569	02/17/2004	Bruce H. Potter	P21-CIP	9280
7590	11/24/2006			
EXAMINER				
TORIMIRO, ADETOKUNBO OLUSEGUN				
ART UNIT			PAPER NUMBER	
3709				

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,569

Applicant(s)

POTTER ET AL.

Examiner

Adetokunbo O. Torimiro

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the inclusion of legal phraseology, "means" in line 7. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 6, lines 16 and 18: "Fig. 2" is suggested to be -- Fig. 1 -- in order to be consistent with the drawing.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

Lines 1,3,6,7, and 9: "prelimanary" is suggested to be -- preliminary -- in order to be consistent with the disclosure.

Line 1: "an primary" is suggested to be -- a primary --.

Line 6 and 12: "a outcome" is suggested to be -- an outcome --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of the claim is unclear and ambiguous as to if the claim is a process or a product.

7. Claim 1 recites the limitation “the electronic casino game” in lines 10-12. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoseloff et al (US 2002/0074726).

Re claim 1: Yoseloff et al discloses a preliminary bonus feature / *bonus event* that is completed prior to the completion of a primary casino game / *base game* comprising the

steps of establishing a predetermined probability / *predetermined event, series of outcomes* that **will trigger** the preliminary bonus feature / *bonus event* (see par. [0030], lines 13-15), placing a wager to participate in the primary casino game/ *base game*, if the predetermined probability / *predetermined event, series of outcomes* results in the preliminary bonus feature / *bonus event* being triggered, the wager being adjusted based on an outcome to the preliminary bonus feature / *bonus event* (see par. [0030], line 48-51) before the outcome of the primary casino game / *base game* is determined, if the predetermined probability / *predetermined event, series of outcomes* results in the preliminary bonus feature / *bonus event* not being triggered, the wager remaining unchanged before the outcome of the electronic casino game / *base game* is determined, and an outcome to the electronic casino game / *base game* being determined with payouts being provided for winning combinations. (see par. [0030] and par. [0031]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gura discloses a gaming machine with variable probability of obtaining bonus game payouts; Moody et al discloses bonus feature on starting hands; Seelig et al discloses gaming bonus device and method of use; Skratulia et al teaches a method of playing a wagering game; Scott et al teaches a method of playing a keno game with a bonus payout; Rinaldi discloses a processing apparatus for the automatic compilation of reduced systems for gambling forecasts; Demar et al discloses a gaming machine with bonus mode.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AOT


KIM NGUYEN
PRIMARY EXAMINER

Attachment: i) APPLICANT'S RESPONSE

ii) Revised Amendment Practice final Rules Effective July 30, 2003

iii) Certificate of Mailing/Certification of Transmission